

## STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. S-12/08-596  
 )  
 Appeal of )

# INTRODUCTION

The petitioner appeals a decision of the Office of Vermont Health Access denying him Medicaid coverage for transportation to attend sign language classes provided by his son's school. The issue is whether these services must be considered medically necessary for the petitioner.

## DISCUSSION

The facts are not in dispute. The petitioner is the father of a four-year-old boy who is deaf and attends the Austine School in Brattleboro, Vermont pursuant to an IEP. The school provides regular sign language classes for the parents of its students.

The petitioner lives several miles from his son's school and does not have his own transportation. It appears the petitioner was provided with transportation to the school last fall by his local Medicaid transportation provider.<sup>1</sup>

<sup>1</sup> The Department does not dispute this, but would attribute it as an error on the part of the provider. As a policy, the Department does not seek monetary recoupment for the provision of mistakenly-approved services.

New classes started January 15, and the petitioner has been notified by the provider that Medicaid will not approve transportation services to them in the future.

The Department does not dispute that the petitioner's desire to attend these classes is understandable, and that the classes are important for him to be able to communicate with his son. However, the petitioner himself has no hearing impairment. At the fair hearing in this matter (held on January 8, 2009) the petitioner was advised to seek funding to attend these classes as a "related service" through his son's IEP.

ORDER

The decision of the Department is affirmed.

REASONS

The Medicaid regulations provide for transportation services to access any all necessary "medical" services. W.A.M. § M755. Although the petitioner's need to attend the sign language classes is based on his son's medical

condition, they are clearly educational in nature, and cannot be considered a "medical service" for either the petitioner or his son as specified or contemplated by the Medicaid regulations. Inasmuch as the Department's decision is in accord with the regulations the Board is bound to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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